

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S. KATZMAN PRODUCE INC.,

Plaintiff,

- against -

RAFEAL PRODUCE, INC., WESTFIELD 18, INC.
and RAFAEL M. ABITBOL,

Defendants.

Case No. 24-cv-8611 (AS)

**[PROPOSED]
FINAL DEFAULT JUDGMENT**

UPON the motion of plaintiff S. Katzman Produce Inc., the accompanying declarations of Gregory Brown, counsel for Plaintiff dated January 23, 2025, Kesha Paul, Plaintiff's Credit Manager, dated January 23, 2025, the exhibits annexed thereto, the Clerk's Certificate of Default, and the supporting memorandum of law submitted therewith, which demonstrate that: defendants Rafeal Produce, Inc. ("Rafeal"), Westfield 18, Inc. ("Westfield") and Rafael M. Abitbol ("Abitbol") (Rafeal, Westfield and Abitbol collectively, "Defendants") failed to plead or otherwise defend this action; Defendants, jointly and severally, owe Plaintiff a debt in the principal amount of principal amount of \$53,967.00, plus accrued interest through January 24, 2025, in the amount of \$10,039.95, and accrued attorneys' fees and expenses through January 23, 2025, in the amount of \$6,555.22, for a judgment under the trust provisions of PACA in the amount of \$70,562.17; Defendants are not infants, incompetent persons, or in the military service of the United States; and there is no just reason for delay of entry of final judgment against Defendants, and

UPON Defendants having failed to timely oppose or otherwise respond to Plaintiff's motion, it is

ORDERED that judgment is hereby entered, in favor of Plaintiff and against Defendants, jointly and severally, under the trust provisions of the Perishable Agricultural Commodities Act,

7 U.S.C. § 499e(c)(4), in the principal amount of \$53,967.00, plus accrued interest at the rate of eighteen percent *per annum* through February 28, 2025, in the amount of \$10,971.44, plus attorneys' fees and expenses through January 23, 2025, in the amount of \$6,555.22, for a judgment under the trust provisions of PACA in the amount of \$71,493.66; and it is further,

ORDERED that the judgment entered in favor of Plaintiff and against Defendants, jointly and severally, is a final judgment pursuant to Fed. R. Civ. P. 54(b), there being no just cause for delay in light of Plaintiff's statutory right to prompt payment under PACA, and Plaintiff may have immediate execution therefore. **The Clerk of Court is respectfully directed to close the case.**

SO ORDERED.

Dated: New York, New York
March 4, 2025



Arun Subramanian, U.S. District Judge